

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**CITY OF JACKSONVILLE,
FLORIDA, a Florida municipal
corporation, and JEA, a body politic
and corporate,**

Plaintiffs,

v.

**MUNICIPAL ELECTRIC
AUTHORITY OF GEORGIA, a
public body corporate and politic of
the State of Georgia,**

Defendant.

CIVIL ACTION FILE

NO. 1:19-CV-3234-MHC

ORDER

On August 8, 2019, the parties filed a Joint Preliminary Report and Discovery Plan (“Joint Report”) [Doc. 120]. The parties sought an eight-month period of discovery and agreed that motions for summary judgment would be filed “within thirty days after the close of discovery, unless otherwise permitted by court order.” Id. at 7-8 (citing LR 56.1, NDGa.) (emphasis added). That same day, this Court entered a Scheduling Order adopting the Joint Report with some exceptions not relevant to this Order. The Court specifically stated that discovery would run

for an eight-month period, commencing August 26, 2019, and closing on April 28, 2020, and the deadline for filing motions for summary judgment would be thirty (30) days after the close of discovery, or on May 28, 2020. Scheduling Order [Doc. 121].


Notwithstanding the representation of the parties in the Joint Report and this Court's Scheduling Order, on November 4, 2019, without receiving permission from the Court to do so, Plaintiff JEA filed a motion for summary judgment, over five months before the close of discovery and in contravention of its representation contained in the Joint Report. Pl./Countercl. Def.'s Mot. for Summ. J. [Doc. 177]. This may have been a "shot across the bow" in "response" to Defendant Municipal Electric Authority of Georgia ("MEAG")'s earlier filing of a Motion for Leave to File Motion for Judgment on the Pleadings [Doc. 171], which is pending before this Court. Now MEAG has filed an Emergency Motion to Temporarily Stay Briefing on JEA's Motion for Summary Judgment until the Court rules on MEAG's earlier motion [Doc. 185].

Because JEA's Motion for Summary Judgment was filed without Court authorization and in contravention of the Joint Report and Scheduling Order in this case, it is hereby **ORDERED** that JEA's Motion for Summary Judgment [Doc. 177], and all supporting exhibits, are **STRICKEN FROM THE RECORD**.

Consequently, it is further **ORDERED** that MEAG's Emergency Motion to Temporarily Stay Briefing on JEA's Motion for Summary Judgment [Doc. 185], and JEA's Motion for Leave to File Documents Under Seal [Doc. 181], are **DENIED AS MOOT**.

The Court's Courtroom Deputy will contact all counsel to set up a status telephone conference call in this case following the Veterans Day holiday.

IT IS SO ORDERED this 8th day of November, 2019.

A handwritten signature in cursive script, reading "Mark H. Cohen", is written over a horizontal line.

MARK H. COHEN

United States District Judge